



UNITED STATES DEPARTMENT OF COMMERCE
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EXAMINER	
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ART UNIT	PAPER NUMBER
236	3

DATE MAILED:

02/09/89

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

- ☐ This application has been examined ☒ Responsive to communication filed on 04/18/87 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 1 month(s), 0 days from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-492. | 2. <input checked="" type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-149 | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152 |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474 | 6. <input type="checkbox"/> |

Part II SUMMARY OF ACTION

- ☒ Claims 1-36 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
- ☐ Claims _____ have been cancelled.
- ☐ Claims _____ are allowed.
- ☐ Claims _____ are rejected.
- ☐ Claims _____ are objected to.
- ☒ Claims 1-36 are subject to restriction or election requirement.
- ☒ This application has been filed with informal drawings which are acceptable for examination purposes until such time as allowable subject matter is indicated.
- ☐ Allowable subject matter having been indicated, formal drawings are required in response to this Office action.
- ☐ The corrected or substitute drawings have been received on _____. These drawings are ☐ acceptable; ☐ not acceptable (see explanation).
- ☐ The ☐ proposed drawing correction and/or the ☐ proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
- ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation). However, the Patent and Trademark Office no longer makes drawing changes. It is now applicant's responsibility to ensure that the drawings are corrected. Corrections MUST be effected in accordance with the instructions set forth on the attached letter "INFORMATION ON HOW TO EFFECT DRAWING CHANGES", PTO-1474.
- ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____, filed on _____.
- Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1955 C.D. 11; 453 O.G. 213.
- ☐ Other

Art Unit 236

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-5, 11-13, 19-23, drawn to a general purpose programmable computer, classified in Class 364, subclass 200.

II. Claims 6-10, 14-15, 24-28, 29-36, drawn to a hybrid analog/digital computer, classified in Class 364, subclass 600+.

III. Claims 16-18, drawn to a holographic system, classified in Class 350, subclass 317.

2. The inventions are distinct, each from the other, because of the following reasons:

3. Inventions I and II are related as combination and subcombination.

Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in a materially different combination. MPEP 806.05(c).

In this case, the combination as claimed does not require the particulars of the subcombination for patentability because claims 1-5 provides evidence that the combination does not rely upon specific details of the holographic element for their patentability. If claims 1-5 are subsequently found to be unallowable, the question of rejoinder will be considered. Additionally, the subcombination has separate utility such as a holographic system.

4. Inventions I and III are independent and distinct because they do not require each other to be operable as is evidenced by applicant's independent claims directed to each.

Art Unit 236

5. Inventions II and III are related as combination and subcombination.

Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in a materially different combination. MPEP 806.05(c).

In this case, the combination as claimed does not require the particulars of the subcombination for patentability because claim 6 provides evidence that the combination in invention II does not rely upon specific detail of the holographic element for its patentability. Additionally, the subcombination has separate utility such as a holographic element.

6. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

7. A telephone call was made to Applicant's representative on January 3, 1989 to request an oral election to the above restriction requirement, but did not result in an election being made.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles B. Meyer whose telephone number is (703) 557-7066.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 557-2878.